

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN GILLANE,

Plaintiff,

vs.

MEGA LIFE AND HEALTH INSURANCE
COMPANY; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 3:08-cv-00230-LRH-RAM

STIPULATION AND ORDER
PERMITTING PARTIES TO STAY
ACTION PENDING PARTIES'
AGREEMENT TO PARTICIPATE IN
VOLUNTARY MEDIATION
(First Request)

Plaintiff John Gillane and defendant The Mega Life and Health Insurance Company ("MEGA") (incorrectly sued as "Mega Life and Health Insurance Company") hereby stipulate and agree as follows:

1. Plaintiff filed his Motion to Remand on May 30, 2008 (Document 8).
2. Pursuant to the Court's June 24, 2008 Order (Document 12), MEGA's response to Plaintiff's Motion to Remand is to be filed on or before Friday, August 8, 2008.
3. Since the parties submitted their stipulation seeking approval of a first extension of time for MEGA to respond to Plaintiff's Motion to Remand, MEGA has continued to investigate the matters requested of it by Plaintiff and has shared documents

1 and information with Plaintiff. Plaintiff and MEGA continue to
2 discuss the facts presented in Plaintiff's complaint, and MEGA's
3 search for documents and other information is active and ongoing.

4 4. At this time, the parties stipulate and agree to
5 participate in voluntary mediation. They have conferred and
6 agree to continue to confer to select a mediator and a date for
7 mediation. One or before August 29, 2008, the parties agree that
8 they will file a status report with the Court, to advise the
9 Court of the date selected for the mediation and the mediator.

10 5. Because Plaintiff and MEGA stipulate and agree that
11 they will participate in voluntary mediation, they further
12 stipulate and agree as follows:

13 a. The further briefing on Plaintiff's Motion to Remand
14 shall be stayed pending the outcome of the voluntary mediation.
15 If a resolution of this matter is not had within 14 days of the
16 date of the mediation, the parties shall submit a proposed
17 stipulation and order to the Court relating the parties' proposed
18 schedule for the further briefing of the Motion to Remand.

19 b. On June 24, 2008, the Court approved the parties'
20 proposed discovery plan and scheduling order, which calls for,
21 among other things, the parties to submit an interim status
22 report on or before Friday, August 22, 2008. Because the parties
23 now agree to mediate, and agree to submit a status report with
24 the mediation date and the name of the mediator on or before
25 August 29, 2008, the Court will not require them to submit an
26 interim status report, and, instead, will permit this stipulation
27 and order to serve as their interim status report to the Court
28 regarding the case's current activity.

6. This is the parties' first request for a stay of this action. As presented above, they submit this proposed request for a stay so that they may participate in voluntary mediation, with a view to case resolution. This stipulation is not submitted for the purpose of delay.

LAW OFFICES OF MATTHEW L. SHARP LEWIS AND ROCA LLP
and
LAW OFFICES OF CURTIS B.
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Dated: August 8, 2008

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THE MEGA LIFE AND HEALTH
INSURANCE COMPANY
Dated: August 8, 2008

IT IS SO ORDERED:

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED: August 11, 2008